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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,224	12/20/2001	Susanne Marie Crockett	8285/461	9046

7590 03/22/2006  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER
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LE, KAREN L

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/027,224

Applicant(s)

CROCKETT ET AL.

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-11 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

Continuation of Attachment(s) 6). Other: Notice of Non-Compliant amendment (37CFR 1.121).

## DETAILED ACTION

1. Applicant's amendment filed on December 27, 2005 has been entered. Claims 1, 11 and 21 have been amended. Claims 2-3 and 12-13 have been cancelled. No claims have been added. Claims 1, 4-11 and 14-24 are still pending in this application, with claims 1, 11 and 21 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-11 and 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al. (U. S. 6,795,530) in view of Culli et al. (U. S. 6,304,641).

Regarding claims 1, 11 and 21, Gilbert teaches a method for providing an announcement to a calling party when the calling party calls a telephone number of a called party (Col.2, 8-10) the method comprising:

determining a telephone number of a calling party for a telephone number of the called party;

determining, in accordance with at least a portion of the telephone number of the calling party, whether the calling party is authorized to receive a first announcement and

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providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement (Col. 2, lines 13-21) and providing an alternate announcement if the calling party is not authorized by the called party to receive the first announcement (Col. 2, lines 13-21).

Gilbert does not teach the first announcement comprises a forwarding number of the called party. However, Gilbert teaches playing the specific greeting selected by the subscriber for that specific caller. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare one of the greetings to comprise a forwarding number of the called party. This is easy to understand that one can have variety of greetings or messages of his choices.

Gilbert does not teach the telephone number of called party is a disconnected number. However Culli teaches telephone number of called party is a disconnected number (Abstract, lines 1-5). Gilbert teaches playing customized announcements based on the identity of the caller and allows a subscriber to create different greetings for different groups of callers (Abstract, lines 1-3). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Culli's feature into Gilbert's system in order to play announcements to callers who call a disconnected telephone number. Note that both references are concerned with playing customized announcements to callers and that Gilbert verifies that the caller is authorized to receive the announcement. Obviously, there may different scenarios when announcements are played to callers, and calling a disconnected telephone number is simply one of many known scenarios.

Regarding claims 4-5 and 14-15, Gilbert further teaches the calling party information includes at least a portion of a telephone number of the calling party, at least a portion of the telephone number further includes an area code of the calling party, at least three digits of the telephone number of the calling party (col. 2, lines 53-55).

Regarding claims 6 and 16, Gilbert teaches calling party information comprises information about calling parties that are authorized to receive the first announcement (Col. 2, lines 14-17).

Regarding claims 7 and 17, Gilbert teaches the telephone number comprises information about calling parties that are not authorized to receive the first announcement (Col. 2, lines 10-12).

Regarding claims 8 and 18, Gilbert further teaches the first announcement is provided by an announcement server (Col. 2, line 21-31).

Regarding claims 9 and 19, Gilbert further teaches providing a connection from the calling party to the announcement server (Col. 2, lines 21-31).

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Regarding claim 23, Gilbert further teaches the telephone number comprises information about calling parties that are not authorized to receive the first announcement (Col. 2, lines 8-10).

Regarding claim 24, Gilbert further teaches the act of determining comprises determining whether the calling party is listed on a reject list (Col. 2, lines 14-19).

4. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert et al. (U. S. 6,795,530) in view of Culli et al. (U. S. 6,304,641) and further in view of Kim (U. S. 6,584,188).

Regarding claims 10 and 20, Cullie does not teach the idea of providing a call log of the disconnected telephone number to the called party. However, Kim teaches providing a call log of the disconnected telephone number to the called party (Col. 7, lines 38-43). Kim teaches a database includes record log that includes an incoming call portion and an outgoing call portion. The incoming call record log includes CID information, date and time of incoming call. Call log is old and well known in the telephone system and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included such a feature to Culli's system to provide a call log of disconnected telephone number.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 4-11 and 14-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues on page 6, 1<sup>st</sup> and 2<sup>nd</sup> paragraph that Culli does not disclose that the called party can determine whether a calling party is authorized to learn of the new number, and that Gilbert does not teach that a telephone number of a called party is a disconnected number. The primary reference (Gilbert) teaches playing customized announcements based on the identity of the caller and allows a subscriber to create different greetings for different groups of callers. Creating different greetings can be easy to understand as preparing a greeting for forwarding number. Secondary reference (Culli) teaches the telephone number of the called party is a disconnected number and the call is completed if either the called party or the calling party has elected to pay for forwarding the call. Culli is the secondary reference, and it does not have to be bodily incorporated in the primary reference. Applicant appears to destroy the primary reference by bodily incorporating all the features of Culli into Gilbert.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLL  
Karen Le  
March 18, 2006

  
**WING CHAN**  
**SENIOR PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2600**